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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY, DOCKET NO.	CONFIRMATION NO.
09/785,048	02/15/2001	Mark J. Pettay	259/298	4717

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EXAMINER

JACKSON, JAKIEDA R

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,048

Applicant(s)

PETTAY, MARK J.

Examiner

Jakieda R Jackson

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 21-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/24/05 and 2/7/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. In response to the Office Action mailed January 5, 2005, applicant submitted an amendment filed on January 14, 2005, in which the applicant traversed and requested reconsideration with respect to **claim 1**.

Response to Arguments

2. Applicants argues the limitation “dividing data representing a portion of the voice interaction spoken by the live agent into a plurality of panels. Wherein the panels correspond to respective sections of the script”. In particular, applicants argue that the prior art used to reject claim 1 fails to meet the feature “panelizing the voice record representing what **was** spoken. Applicants also argue that while Thorne might suggest panelizing the script itself, or the presentation thereof, Thorne fails to suggest **panelizing the voice record representing the agent’s reading of the script**, as recited in the portion of claim 1. However, the examiner disagrees. There is no timeline or transitional words cited in claim 1 that states what is done first. There is nowhere in claim 1 that cites that the data is divided **after** it is spoken by the live agent. The PTO must give claim words their broadest reasonable meaning in their ordinary usage, as understood by one of ordinary skill in the art. **In re Morris**, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997).

Thorne’s reference reads on the cited claim in which the data spoken is divided into a plurality of panels (section), wherein the panels correspond to respective sections

of the script (action panels are specific to the current section of the script; column 4, lines 19-63).

Therefore, applicant's arguments filed January 14, 2005 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-5, 7-9, 11-12, 15-18 and 21-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. Patent No. 6,567,787), hereinafter referenced as Walker in view of Thorne (U.S. Patent No. 6,100,891).

Regarding **claim 1**, Walker discloses a script compliance method for evaluating compliance of a live agent (cashier interaction with a customer; column 1, lines 27-28) with a script (text of the prompt or verbal message) from which the live agent reads when conducting a voice interaction (cashier or operator) with a live customer (customer; column 7, lines 9-26 with lines 46-60), the method comprising at least the following:

conducting the voice interaction between the live agent (cashier or operator) and a live customer (customer) in accordance with a script (verbal message or text of the prompt; column 7, lines 9-26 with 46-60); and

evaluating data representing a portion of the voice interaction spoken by the live agent (determine whether signal satisfies criterion; column 7, lines 46-60) with an automatic speech recognition component (POS) adapted to analyze the portion of the voice interaction (column 7, lines 61-65) and to determine a score (percentage of the times spoken properly) representing a degree with which the live agent complied with the script during the portion of the voice interaction (column 6, lines 24-30 with column 7, lines 46-55), but lacks specifically dividing data representing a portion of the voice interaction spoken by the live agent into a plurality of panels, wherein the panels correspond to respective sections of the script.

Thorne discloses a call agent center interface and developmental tool dividing data representing a portion of the voice interaction spoken by the live agent into a plurality of panels (section), wherein the panels correspond to respective sections of the script (action panel are specific to the current section of the script; column 4, lines 19-63), to graphically express the script of called/calling party information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Walker's method wherein it divides data representing a portion of the voice interaction spoken by the live agent into a plurality of panels, wherein the panels correspond to respective sections of the script, to follow the

content that is pertinent to the topic, which provides dynamic and logical script branching (column 4, lines 48-67).

Regarding **claim 2**, Walker discloses the method wherein the live agent is a telemarketing agent (column 5, lines 40-45).

Regarding **claim 3**, Walker discloses the method wherein the script includes an offer of services (figure 6 and column 11, lines 30-32).

Regarding **claim 4**, Walker discloses the method wherein said voice interaction is carried on a communications network (column 3, lines 40-56).

Regarding **claim 5**, Walker discloses the method wherein said communications network is a publicly switched telephone network (telephone line; 3, line 52).

Regarding **claim 7**, Walker discloses the method wherein said communications network includes a wireless component (audio/electrical signals; column 4, lines 23-29).

Regarding **claim 8**, Walker discloses the method the voice interaction is a telephone call (column 5, lines 40-45).

Regarding **claim 9**, Walker discloses the method wherein said telephone call is initiated by said live customer client (column 5, lines 40-45 with column 12, lines 63-65).

Regarding **claim 11**, Walker discloses the method further comprising the step of: performing an action based (bonus earned) upon a determination obtained from said evaluating step (column 6, lines 24-39).

Regarding **claim 12**, Walker discloses the method but wherein performing an action comprises transmitting a signal (audio signal transmitted) to said live agent corresponding to said determination (column 9, line 59 – column 10, line 5).

Regarding **claim 15**, Walker discloses the method comprising:
reviewing the determination of the score (bonus based on percentage; column 6, lines 24-28).

Regarding **claim 16**, Walker discloses the method wherein the score (percentage; column 6, line 24-28) is assigned by the automatic speech recognition component (SCRAPI; column 8, lines 6-11).

Regarding **claim 17**, Walker discloses the method further comprising assigning a respective score (percentage) to each panel (column 6, lines 24-28).

Regarding **claim 18**, Walker discloses a system for evaluating compliance of a live agent (operator/cashier) with a script (text of prompt or verbal message) from which the live agent reads when conducting a voice interaction with a live customer (read allowed to customer; column 7, lines 46-60) via a communication network adapted to support the voice interaction (column 3, lines 40-56) the system comprising at least the following:

a script compliance module including at least an automatic speech recognition component (SCRAPI; column 8, lines 6-11) adapted to analyze data representing a portion of the voice interaction (verbal message) spoken by the live agent (cashier or operator), and to determine a score (percentage) representing a degree (spoken properly) with which the live agent complied with the script during that portion of the voice interaction (column 6, lines 24-28), and

means for causing one or more actions (bonus earned) to be taken based upon the determination (column 6, lines 24-39) by the automatic speech recognition

component (SCRAPI; column 8, lines 6-11), but lacks specifically dividing data representing a portion of the voice interaction spoken by the live agent into a plurality of panels, wherein the panels correspond to respective sections of the script.

Thorne discloses a call agent center interface and developmental tool dividing data representing a portion of the voice interaction spoken by the live agent into a plurality of panels (section), wherein the panels correspond to respective sections of the script (action panel are specific to the current section of the script; column 4, lines 30-63), to graphically express the script of called/calling party information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Walker's method wherein it divides data representing a portion of the voice interaction spoken by the live agent into a plurality of panels, wherein the panels correspond to respective sections of the script, to follow the content that is pertinent to the topic, which provides dynamic and logical script branching (column 4, lines 48-67).

Regarding **claim 21**, Walker discloses the system comprising a call center including a plurality of agent workstations (POS terminals; figure 1, elements 14, 16 and 18 and one or more computers; column 3, lines 53-56)

Regarding **claim 22**, Walker discloses the system wherein said agent workstation includes a telephone (telephone) and a computer terminal (POS; column 5, lines 41-45).

Regarding **claim 23**, Walker discloses the method wherein the agent is a telemarketing agent (column 5, lines 40-45).

Regarding **claim 24**, Walker discloses the system wherein said agent is a customer service agent (column 1, lines 34-36).

Regarding **claim 25**, Walker discloses the system wherein said means for causing one or more actions (pause) comprises means for transmitting a signal to alive agent corresponding to said determination (column 2, lines 1-17).

5. **Claims 6, 13 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Thorne, as applied to claim 1 above, and in further view of Surace et al. (U.S. Patent No. 6,144,938), hereinafter referenced as Surace.

Regarding **claim 6**, Walker in view of Thorne disclose a script compliance method, but lacks the method wherein said communications network is the internet.

Surace discloses the method wherein said communication network is the internet (column 8, lines 51-58), to provide access to email, voicemail, fax etc.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Walker in combination with Thorne's method such that said communications network is the internet, to transmit requests for services that can be served by remote computers, for a flexible network, as taught by Surace (column 8, lines 55-58)

Regarding **claim 13**, Walker in view of Thorne disclose a script compliance method, but lacks wherein performing an action comprises transmitting a signal to a reviewing authority corresponding to said determination.

Surace discloses the method wherein performing an action comprises transmitting a signal to a reviewing authority corresponding to said determination (column 6, lines 58-64), to tabulate speech recognition errors.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Walker in combination with Thorne' s method such that it performs an action comprising transmitting a signal to a reviewing authority corresponding to said determination, to modify scripts to help coach a user to say phrases or commands that are within the recognition grammar, as taught by Surace (column 6, lines 58-63).

Regarding **claim 26**, Walker in view of Thorne disclose a script compliance method, but lacks wherein said one or more actions comprises means for transmitting a signal to a reviewing authority corresponding to said determination.

Surace discloses the method wherein said one or more actions comprises means for transmitting a signal to a reviewing authority corresponding to said determination (column 6, lines 58-64), to tabulate speech recognition errors.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Walker in combination with Thorne' s method such that it performs an action comprising transmitting a signal to a reviewing authority corresponding to said determination, to modify scripts to help coach a user to say phrases or commands that are within the recognition grammar, as taught by Surace (column 6, lines 58-63).

6. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Thorne, as applied to claim 1 above, and in further view of Aviv (U.S. Patent No. 5,666,157).

Regarding **claim 10**, Walker in view of Thorne disclose a script compliance method, but lacks disclosing the method wherein said evaluating step includes the steps of:

converting data representing said voice interaction into a digital signal comprising a spectral representation of said voice interaction, comparing said digital signal to a reference standard comprising a known vocabulary, and matching said digital signal to words and phrases contained in said reference standard.

Aviv discloses that steps that includes:

disclosing the method wherein said evaluating step includes the steps of:

converting (processing) data representing said voice interaction into a digital signal comprising a spectral representation of said voice interaction (column 10, line 64 – column 11, line 22),

comparing (figure 4, element 46) said digital signal to a reference standard comprising a known vocabulary (column 10, line 64 – column 11, line 22), and

matching (figure 4, element 46) said digital signal to words and phrases contained in said reference standard (column 10, line 64 – column 11, line 22), in to have the best representation of the word.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Walker in combination with Thorne' s method such that it converts said voice interaction into a digital signal comprising a spectral representation of said voice interaction, compares said digital signal to a reference standard comprising a known vocabulary, and matches said digital signal to words and phrases contained in said reference standard, to help recognize the different sounds, voices, accents etc. of each word for clarification.

7. **Claims 14 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view Thorne, as applied to claim 1 above, and in further view of Rtischev et al. (U.S. Patent No. 5,634,086), hereinafter referenced as Rtischev.

Regarding **claims 14 and 27**, Walker in view of Thorne disclose a script compliance method, but lacks the method wherein performing an action comprises causing an entry to be made in a script compliance incentive system.

Rtischev discloses the method wherein performing an action comprises causing an entry to be made in a script compliance incentive system (instruction and evaluation system; column 2, line 63 – column 3, line 10), for evaluation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Walker in combination with Thorne' s method such that it causes an entry to be made in a script compliance incentive system, to

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evaluate the performance while tolerating foreign accents and any other language fluency, as taught by Rtischev (column 2, lines 63-66).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Young et al. (U.S. Publication No. 2003/0154072) discloses call analysis.
- Jorgensen et al. (USPN 5,867,559) discloses a real-time, on-line call verification system.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R Jackson whose telephone number is 571.272.7619. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571.272.7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRJ
May 2, 2005



DAVID L. OMETZ
PRIMARY EXAMINER